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Heart of Texas Wind Submits Draft Habitat Conservation Plan for Black-capped vireo in McCulloch County, Texas

The Heart of Texas is preparing to construct and operate a wind energy project in McCulloch County, Texas. They have submitted a draft Habitat Conservation Plan (dHCP) and request for an Incidental Take Permit (ITP) to the U.S. Fish and Wildlife Service. The project could impact the black-capped vireo, a federally listed species recently proposed for delisting. Publication of the notice begins a 30-day public comment period.

The Heart of Texas Wind, LLC, is requesting an incidental take permit for activities associated with the construction and operation of a wind energy project on 10,808 acres. The draft Habitat Conservation Plan describes the conservation measure the Heart of Texas Wind, LLC, would undertake to address the potential impacts of their wind energy project on the black-capped vireo. They are proposing to minimize project impacts by siting turbines to reduce impacts, not clearing habitat during the breeding season, and restoring habitat after construction. Approximately 725 acres of black-capped vireo habitat will be directly and indirectly impacted, and the effects of the resulting take of black-capped vireos would be mitigated with 454 acres of high-quality vireo habitat. The requested permit, if granted, would be in effect for 30 years. The Service has prepared a draft Environmental Assessment (dEA) evaluating the direct, indirect and cumulative effects of implementation of the draft Habitat Conservation Plan.

Written comments on the dHCP and dEA must be received by close of business on April 26, 2017. Comments may be submitted to the Service in one of the following ways:

- *Electronically:* Submit electronic comments to FW2_AUES_Consult@fws.gov. Please note that your request is in reference to the Heart of Texas Wind, LLC, HCP (TE-13632C).
- *By hard copy:* Mr. Adam Zerrenner, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758-4460; telephone 512-490-0057; fax 512-490-0974. Please note that your request is in reference to the Heart of Texas Wind, LLC, HCP (TE-13632C).

The black-capped vireo is a migratory songbird that breeds in Texas and Oklahoma. The species was listed under the Endangered Species Act in 1987 as an endangered species primarily due to habitat loss and nest parasitism by brown-headed cowbirds. Cowbirds secretly lay their eggs in the nests of black-capped vireos causing vireo parents to raise cowbirds rather than vireos.

The black-capped vireo is the smallest member of the vireo family occurring regularly in the United States. It winters exclusively in Mexico along the Pacific Coast. Sporting a namesake black cap and white face mask, black-capped vireos build intricate hanging cup nests two to four feet above the ground fastened to the branches of shrubs with strands from spider webs, and return to the same breeding site year after year.

On December 15, 2016, the Service proposed to remove the black-capped vireo from the list of threatened and endangered species. Our analysis of the best available science indicates the primary known threats to the black-capped vireo, of habitat loss and brown-headed cowbird parasitism, have been reduced or adequately managed and populations are expected to be viable in the future. As such, the vireo no longer meets the definition of a threatened or endangered species under the ESA. However, the species remains protected by the Endangered Species Act until a final decision on whether to remove the species from the list is made by the Service. Therefore a project that would result in the incidental take of the species requires a permit.

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